THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 13144 of 2005

Dated: 17-08-2005

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Between:

Smt Jaya Laxmi Solanki.

..... PETITIONER

AND

The Joint Collector, Adilabad District and others.

..Respondents.

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 13144 of 2005

ORDER:

This writ petition has been filed by Smt Jaya Laxmi Solanki with a prayer to issue an order, direction or writ more particularly one in the nature of writ of mandamus

declaring the inaction of the respondents 2 and 3 i.e., the Revenue Divisional Officer and the Mandal Revenue Officer, Mancherial, Adilabad District in implementing the orders of the first respondent i.e., the Joint Collector, Adilabad District in case No.D4/TA/1/2003, dated 19-5-2003 for maintaining status quo as on 5-12-1999 by making necessary changes/rectification in the revenue records/pahani, as bad in law and violative of principles of natural justice.

2. The petitioner claims that she purchased the property from the official liquidator in the year 1971, vide sale document No.1278/71, dated 13-11-1971. Her further case is that one Chakali Pocham filed an application before the Revenue Divisional Officer, Mancherial claiming to be a protected tenant and thereupon, the Revenue Divisional Officer allowed the said application, which came to be challenged by her by filing an appeal before the Joint Collector, Adilabad District. Her further case is that the Joint Collector, Adilabad District set aside the order of the Revenue Divisional Officer and remanded back the matter to the Revenue Divisional Officer for fresh enquiry, directing the parties to maintain status quo as on 5-12-1999. The operative portion of the order passed by the Joint Collector, Adilabad District reads as follows:

> "The appellant has purchased the suit lands through registered sale deed by the liquidator in the year 1971. Here the request of the appellant for title of the suit lands and they are not challenging the rights of PTs. It will not effect the rights of the PTs. Until and unless the pattedar is not having more than two family holdings the PTs are not entitled for declaration as owners under Section 38-E. Hence, the sale transaction took place between the appellant and iron and steel factory through the liquidator cannot be denied.
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> In view of the circumstances stated above, the orders passed by the Revenue Divisional Officer, Mancherial dated 26-12-2002 in case No.G/1589/2001 is set aside and the matter is remanded to the lower Court to hold thorough enquiry taking into consideration of the above observations by allowing both the parties to defend their case and to produce the documentary evidence if any available with them. Till the disposal of the case, the status quo as on 5-12-1999 should be maintained.

3. The grievance of the writ petitioner is that subsequent to the status quo orders, some entries have been made in the revenue records and under the guise of those

entries, she has been dispossessed from the lands and therefore, the Joint Collector has to take steps to restore the possession of the lands to her.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the Respondents.

5. Learned counsel for the petitioner submits that the petitioner submitted an application before the Joint Collector seeking restoration of the possession of the lands to her and that the Joint Collector has not passed any orders and therefore, necessary direction is required to be given to the Joint Collector to pass appropriate orders on her application.

6. Learned Government Pleader for Revenue submits that the enquiry before the Revenue Divisional Officer is pending and once the said enquiry is completed, there is no need of the Joint Collector passing any orders on the application filed by the petitioner.

7. The narration of the facts stated above discloses that the matter has been remanded back to the Revenue Divisional Officer for fresh disposal. The order of remand is on 19-5-2003 and nearly two years have been elapsed since then. There seem to be no progress in the proceedings pending before the Revenue Divisional Officer.

8. In such situation, I deem it appropriate to direct the Revenue Divisional Officer, Mancherial i.e., 2nd respondent to dispose of the case No.G/1589/2001 as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition is disposed of. No order as to costs.

17-08-2005

sj